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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,354	09/09/2003	Salim Ejaz	EJAZ-MIRROR	2118
4988	7590	11/14/2005	EXAMINER	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			AMARI, ALESSANDRO V	
		ART UNIT	PAPER NUMBER	2872

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)
	10/658,354	EJAZ, SALIM
	Examiner	Art Unit
	Alessandro V. Amari	2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8, 10-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 10-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 July 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Drawings

1. The replacement drawings including new drawing Figures 2A, 2B and 2C were received on 8 July 2005. These drawings are accepted.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the license plate fastener screws and the rear license plate holder bracket recited in claims 1 and 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, II US 5,424,875 in view of Toscano US 6,345,587.

In regard to claim 1, Davis teaches (see Figures 1, 3-6) an apparatus for increasing driver visibility, comprising mirror surfaces (18) extendable substantially horizontally and vertically from a rear end of a vehicle as described in column 3, lines 48-60 and column 4, lines 1-18.

Regarding claim 10, Davis teaches (see Figures 1, 3-6) a visual aid comprising a mirror assembly (10), a compact housing (54) attached to an exterior of a vehicle; a lifting mechanism within said housing, wherein said lift mechanism positions said mirror assembly as described in column 5, lines 4-34.

However, in regard to claims 1 and 10, Davis does not teach that said apparatus is mounted by license plate fastener screws to a rear license plate holder bracket of the vehicle.

In regard to claims 1 and 10, Toscano teaches (see Figure 7) that an apparatus is mounted by license plate fastener screws (29) to a rear license plate holder bracket of the vehicle as described in column 1, lines 48-54 and 60-65 and column 3, lines 52-64.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the license plate fastener screws and license plate holder bracket of Toscano to fasten the apparatus or visual aid of Davis so that no modification or alteration to the vehicle is needed in order to install the apparatus such that the apparatus can be removed and transferred to another vehicle without leaving damage to the vehicle itself.

Regarding claim 2, Davis teaches a connecting means connecting said mirror surfaces wherein said connecting means connects said mirror surfaces forming an angle ranging between 0 degrees and 120 degrees as described in column 3, lines 48-60.

Regarding claim 3, Davis teaches that said angle is about 90 degrees as described in column 3, lines 48-60.

Regarding claim 5, Davis teaches a rotating means positioning said mirror surfaces as described in column 5, lines 4-34.

Regarding claim 13, Davis teaches (see Figure 5) an activator (52) is connected by a communications cable (56) joining said lift mechanism to a passenger compartment of a motor vehicle as described in column 5, lines 4-34.

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5. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, II US 5,424,875 in view of Toscano US 6,345,587 and further in view of Ben-Ghiath US 5,666,227.

Regarding claims 4 and 11, Davis, II in view of Toscano teaches the invention as set forth above and in regard to claim 11 Davis teaches that (see Figure 1) the pair of reflecting surfaces (18) are non-parallel to each other and said lift mechanism includes a telescoping rod attached to said mirror assembly as described in column 5, lines 4-34 but in regard to claim 4, does not teach that said mirror surfaces are concave. Further, in regard to claim 11, Davis, II does not teach that said mirror assembly includes concave reflecting surfaces.

Regarding claims 4 and 11, Ben-Ghiath teaches mirrors having concave reflecting surfaces as described in column 4, lines 30-33.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize concave reflecting surfaces as taught by Ben-Ghiath in the apparatus of Davis in view of Toscano in order to provide for a better viewing angle and to facilitate reflection of images towards the right and left of the driver's field of view.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis II US 5,424,875 in view of Toscano US 6,345,587 and further in view of Jones US 1,562,335.

Regarding claims 6 and 7, Davis, II in view of Toscano teaches the invention as set forth above and in regard to claim 6, Davis teaches that the apparatus further comprises a rotating means positioning said mirror surfaces as described in column 5,

lines 4-34 but in regard to claim 6, does not teach that said connecting means comprises a hinge. Further in regard to claim 7, Davis II does not teach that the mirror surfaces fold into a substantially planar position for deployment.

Regarding claim 6, Jones does teach (see Figure 1) that said connecting means comprises a hinge (8) and in regard to claim 7, that the mirror surfaces fold into a substantially planar position for deployment as shown in Figures 1 and 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the hinge as taught by Jones for the apparatus of Davis II in view of Toscano in order to provide for more flexibility in adjusting the mirror surfaces for better viewing angles.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis II US 5,424,875 in view of Toscano US 6,345,587 and further in view of Bracamonte US 4,758,078.

Regarding claim 8, Davis, II in view of Toscano teaches the invention as set forth above and Davis teaches that the apparatus further comprises a telescoping means for extending said mirror surfaces from said housing as described in column 5, lines 4-34. However, regarding claim 8, Davis, II does not teach a housing for storage of said mirror surface.

Regarding claim 8, Bracamonte does teach a housing for storage of said mirror surface as described in column 1, lines 63-64.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the housing of Bracamonte for the mirror of Davis in view

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of Toscano in order to provide additional protection of the mirror surfaces from the environment and to prevent vandalism.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis II US 5,424,875 in view of Toscano US 6,345,587 and further in view of Baschnagel, III US 6,847,288.

Regarding claim 12, Davis, II in view of Toscano teaches the invention as set forth above but does not teach that the visual aid further comprises an activator which is a radio transmitter.

Regarding claim 12, Baschnagel, III teaches (see Figure 1) that the visual aid further comprises an activator (28) which is a radio transmitter as shown in Figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the radio transmitter as taught by Baschnagel III in the visual aid of Davis in view of Toscano in order to provide for remote control of the visual aid so as to increase convenience for the driver.

Response to Arguments

9. Applicant's arguments with respect to claims 1-8 and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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01 November 2005



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PRIMARY EXAMINER